

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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APPLETON PAPERS INC. and NCR CORP.,

Plaintiffs,

v.

Case No. 08-C-16

GEORGE A. WHITING PAPER CO., et al.,

Defendants.

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**SCHEDULING ORDER**

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Based on the stipulated submission of the parties, IT IS ORDERED that:

1. Discovery on the remaining issues in this matter shall be limited to information regarding:
  - (a) Plaintiffs' alleged liability as an "arranger" under section 107(a)(3) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9607(a)(3);
  - (b) the amount of Defendants' insurance recoveries related to the Fox River, and any other information necessary to determine the amount by which any of the costs sought by Defendants from Plaintiffs are or should be offset by Defendants' insurance recoveries; and (c) certain costs claimed by Defendants. Defendants assert that as a result of the Court's February 28, 2011 Decision and Order, only \$2.7 million of GP costs remain at issue; NCR and API assert that more than \$2.7 million of GP costs remain at issue, as well as other Defendants' costs. The matter shall be addressed by motion practice if necessary.
2. All fact discovery on the issues identified in Paragraph 1, above, shall be commenced by a date sufficiently early so that all discovery in this case can be completed no later than

November 4, 2011.

3. a. Expert disclosures on the issues identified in Paragraph 1, above, pursuant to Civil L. R. 26.1, shall be made no later than November 18, 2011.  
b. Any responsive expert report on the issues identified in Paragraph 1, above, shall be served by December 16, 2011.  
c. Depositions of all experts shall be completed no later than January 27, 2012.
4. Any discovery motions on the question set forth in Paragraph 1, above, brought pursuant to Rules 26 through 37 of the Federal Rules of Civil Procedure must comply with Civil L. R. 37.1, by including:  

a written statement by the movant that, after personal consultation with the party adverse to the motion and after sincere attempts to resolve their differences, the parties are unable to reach an accord. The statement must also recite the date and time of such conference and the names of all parties participating in it.
5. On February 2, 2012, at 1:30 p.m. a final pretrial and settlement conference will be held in the United States Courthouse, 125 South Jefferson Street, Green Bay, Wisconsin, pursuant to Civil L. R. 16.2.
6. This case will be called for trial on February 21, 2012.
7. The Court expects counsel to confer and to make a good faith effort to settle the remaining issues, and to continue discussions regarding the disposition of any remaining state law and third-party claims.

**SO ORDERED** this 12th day of April, 2011.

/s William C. Griesbach  
William C. Griesbach  
United States District Judge